

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROGER ZELAYA,

Plaintiff,

KEN'S FOODS, INC.,

Defendant.

Case No.: 2:22-cv-1603-GMN-EJY

**ORDER OF DISMISSAL BY COURT FOR
WANT OF PROSECUTION**

This action has been pending in this Court for more than two-hundred-seventy (270) days without any proceeding having been undertaken during such period. On November 19, 2024, the Court provided notice that if no action was taken within thirty (30) days, the Court would "enter an order of dismissal for want of prosecution." (Notice Regarding Intent Dismiss, ECF No. 38). To date, the parties have not taken any action, and the deadline to do so has passed.

Federal Rule of Civil Procedure ("Fed. R. Civ. P.") 41(b) permits dismissal of an action for the failure to prosecute or comply with rules or a court order. Fed. R. Civ. P. 41(b). In addition, Local Rule 41-1 provides that a civil action that has been pending for more than two-hundred-seventy (270) days without any proceeding of record may, after notice, be dismissed for want of prosecution by the court *sua sponte*.

Considering the length of the delay, and the parties' failure to provide a reason for the delay, the Court finds that dismissal is appropriate under Fed. R. Civ. P. 41(b) and Local Rule 41-1. *See Street v. Baca*, No. 3:16-cv-00266, 2018 WL 3581143, at *1 (D. Nev. Apr. 20, 2018) (recommending dismissal of a case under both Fed. R. Civ. P. 41(b) and Local Rule 41-1 where it had "been more than 270 days since Plaintiff filed his notice of change of address, with no other filing by Plaintiff indicating an intent to prosecute this action"), *report and*

1 *recommendation adopted*, (D. Nev. July 25, 2018).

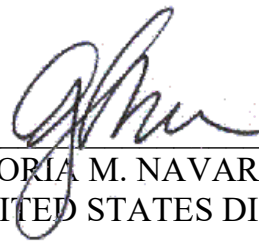
2 Accordingly,

3 **IT IS HEREBY ORDERED** that the above-entitled action is **DISMISSED**
4 **WITHOUT PREJUDICE** for want of prosecution pursuant to Fed. R. Civ. P. 41(b) and Local
5 Rule 41-1.

6 **IT IS FURTHER ORDERED** that the Clerk is instructed to close the case.

7 **DATED** this 13 day of January, 2025.

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GLORIA M. NAVARRO, DISTRICT JUDGE
UNITED STATES DISTRICT COURT